



Gregg Clifton
Phoenix Plaza Tower II
2929 North Central Avenue, Suite 1700
Phoenix, Arizona 85012-2761
Gregg.Clifton@lewisbrisbois.com
Direct: 857.313.3931

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EMAIL: cwpo@cand.uscourts.gov

Honorable Judge Claudia Wilken
c/o Ronald V. Dellums Federal Building
& United States Courthouse
1301 Clay Street
Oakland, CA 94612

FILED

JAN 30 2025

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Dear Honorable Judge Wilken:

As per the terms of your supplemental opinion granting preliminary judicial approval issued on October 7, 2024 and the invitation to provide comments and potential objections to the proposed *In re College Athlete Litigation* settlement, covering the *House v NCAA*, *Carter v. NCAA* and *Hubbard v. NCAA* matters ("House"), please accept this letter from the Intercollegiate Tennis Association ("ITA") expressing its concerns with the potential ramifications of the proposed settlement agreement.

The goal of this letter is to provide you with an informational and educational perspective representing the voices of athletes and coaches from one particular non-football and non-basketball sport (i.e., varsity college tennis) and to highlight the critical importance of maintaining broad-based intercollegiate athletics for the NCAA student-athletes that make up the majority of the total number of current NCAA athletes. While the ITA is not opposed to the settlement of the *House* matter, it is concerned about the potential adverse impact that some of the current language contained in the proposed settlement agreement may have on varsity collegiate tennis players, and, in fact, upon the majority of current and future NCAA varsity collegiate athletes. The majority of these student-athletes derive little or any financial benefit from the settlement and may severely suffer from the potential negative impacts of the settlement.

The ITA hopes that this submission will provide you with thoughtful consideration and relevant information to help address the unintended consequences stemming from the proposed settlement language that is currently being considered for final approval. In order to assist you, the ITA is highlighting the salient issues of concern and would appreciate your consideration of these topics as you evaluate the terms of the final settlement agreement.

Sincerely,

Gregg Clifton

Gregg Clifton
Lewis Brisbois



Dear Judge Wilken:

We write on behalf of the member programs, student-athletes, and coaches of the Intercollegiate Tennis Association ("ITA"). You will find information about the ITA as well as our position and concerns regarding the *House v. NCAA* case and the future of college athletics.

Thank you very much for your review and consideration!

BACKGROUND

About the ITA and Varsity College Tennis: The [ITA](#) has a long and important [history](#) as the governing body of varsity college tennis and as the coaches association for the sport. The mission of the [ITA](#) is to "[Serve college tennis](#) and [Return the leaders of tomorrow](#)."

The ITA serves 1,250 colleges and universities, 1,780 varsity tennis programs across seven divisions (including 311 DI women's programs and 243 DI men's programs), 3,000 coaches, nearly 20,000 student-athletes (2,134 DI women and 1,731 DI men), and 1,400 college tennis officials.

Over the course of the last five decades the ITA has worked tirelessly, including in recent years to build strong partnerships, to advance the sport of tennis to become a model college sport which both develops elite talent and provides long-term value to all participants in extraordinary ways.

Today, the ITA and United States Tennis Association ("USTA"), the national governing body of tennis in America, are working closer together than ever before ([ITA/USTA five-year partnership announcement](#)). The ITA is also working closer than ever before with the International Tennis Federation ("ITF"), the governing body of tennis around the world ([WTN article](#)). The ITA has also developed fantastic partnerships with the ATP Tour and the WTA to create a more unified pathway from varsity college tennis to professional tennis – a "[Challenger Accelerator Program](#)" for aspiring professionals. And, the ITA is incredibly proud of its outstanding working partnership with our colleagues at conferences and with the NCAA. Think of this approach to all of these partnerships like the strong legs of a stool or table. We are certainly delighted to witness and share in the wonderful partnership that the USTA and NCAA have developed ([10-year championship host site announcement](#)). In our opinion, the collective partnership and collaboration between the ITA, USTA, and NCAA has never been stronger.

While varsity college tennis has never been stronger, history reminds us that it takes a very long time to build institutions and relationships of lasting value and impact. Unfortunately, they can be weakened and even come tumbling down in a very short time.

CONCERNS ABOUT THE *HOUSE v NCAA* SETTLEMENT

Settling the *House v NCAA* case as Presently Contemplated Could Irreparably Damage Varsity College Sports as We Know Them: At this critical and momentous time in varsity college athletics, with tectonic changes already here and apparently more coming, if the proposed settlement of the *House v NCAA* case were to move forward as currently constituted, it



could possibly cause irreparable damage to a very large number of non-football and non-basketball sports programs on college campuses, including tennis. This includes hundreds of thousands of student-athletes and tens of thousands of college coaches.

Before It is Too Late, It Is Vital to Take a Moment to Pause, Reflect, and Imagine: It is our belief that the student-athletes and coaches from the non-football and non-basketball sports have not been fully, adequately, and properly represented throughout the deliberations and negotiations regarding the *House v NCAA* settlement. We respectfully request the voices and interests of these parties be heard and considered. We implore decision-makers to fully vet the potential unintended consequences to, and not simply the affirmative intentions surrounding, this large number of non-football and non-basketball sports and all of their constituents.

With the advent of this new era, and the implications of the possible *House v. NCAA* settlement on a new model for varsity college sports, we believe that it is important for all leaders – college and university presidents, the NCAA, conference commissioners, athletic directors, coaches, members of Congress, members of the legal community, student-athletes, fans, and supporters – to pause and reflect not only on the rich history that has brought us to this moment but also to envision what the future could and should look like for all sports. We believe it can be a grand future in which a broad array of varsity teams continue to flourish on college campuses and in the fields of dreams of young people in America and around the world.

We call for broad coalitions to work together for the betterment of the entire higher education enterprise and college athletics ecosystem, thinking about the big picture and making informed decisions for the long haul and good of all student-athletes. While those following the *House* case remain anxious in anticipation of the settlement being finalized, we believe that additional collaborative discussions between all impacted parties would be beneficial to ensure the preservation and protection of broad-based sports programs, prioritizing and protecting the opportunity for the large number of NCAA athletes who participate in non-football/non-basketball sports to continue to have the opportunity to participate on an equal basis as participants in football and basketball. The ITA stands ready to participate in, and lead when and where appropriate and necessary, such discussions.

Important public discourse is underway including regarding Title IX and the proposed roster limits. For example, historically, tennis and other sports have used the model of students paying tuition and other fees as very viable revenue streams to colleges and universities in supporting our sport. This noted, there are other important issues that need to be addressed.

Specific Concerns with the Proposed *House v NCAA Settlement*: We recognize the current context in which important decisions are being made. For example, like others, we fear the possible ramifications of student-athletes becoming employees, including the ramifications of the maze of differing state labor and employment laws. We also appreciate the different approaches to calls for bargaining and possible anti-trust resolutions. We appreciate the desire for students to be able to transfer.

While we understand and support many of the basic concepts and tenets on which the *House* settlement is based, including, but not limited to, student-athletes benefiting from their Name, Image, and Likeness and sharing in revenues moving forward, we have some serious specific concerns which we raise at this important moment in your deliberations:



- **Hugely Disproportionate Financial Distributions:** We find incredibly disturbing the proposal that 95 cents of every dollar being distributed for past damages and through revenue sharing moving forward are only going to two sports. While others could make strong arguments questioning the entire economic theory on which the current proposed *House* settlement is based, that is not our intent here. We do believe, for tennis, however, that leading sports business experts can make the case for the value and revenue that varsity tennis has brought and brings to college campuses – whether at Stanford, the University of Tulsa, Oklahoma State University, the University of Virginia, the University of Florida, Princeton, Columbia, and/or countless other colleges and universities of different sizes and missions. As a product of decades of work and support, colleges and universities have built amazing infrastructures on college campuses, the best that the sport of tennis has to offer. Similarly, through the partnerships between the USTA, ITA, NCAA, ATP, ITF, WTA college tennis has built a seamless pathway from college to pro tennis. In developing talent together from youth players to elite professionals – we have arrived at the new generation of internationally-recognized tennis stars including Emma Navarro, Ben Shelton, Peyton Stearns, and other top women’s and men’s professional players who played college tennis. Those knowledgeable about the proposed payouts from the *House* settlement should acknowledge to the court and publicly the very small amounts that Navarro and Shelton, two past NCAA Champions (Navarro in 2021 and Shelton in 2022), will receive as past damages as compared, for example, to a mediocre and undistinguished football tackle. Tennis players like Navarro (who just made the quarterfinals of the 2025 Australian Open) and Shelton (who made the semi-finals of the 2025 Australian Open) as well as other top former college tennis players rival their best NFL, NBA, and WBA counterparts, brought and bring immense value to their alma maters and, thus, should be valued and compensated as such.

Whether the two recent developments – from the Department of Education fact sheet regarding Title IX and the Department of Justice opinion and request regarding the *House* case – come to pass, it is clear that the value of varsity tennis student-athletes is not being properly represented in the proposed *House* settlement. Whether the current framework for revenue sharing stands the scrutiny of the courts will remain to be seen. In any resolution, the value of both women and men participating within college varsity tennis should be better recognized and embraced.

- **The Fallacy of Name, Image and Likeness (“NIL”):** We wish that more people would publicly acknowledge that the current flawed and broken NIL system is actually “pay for play” and not truly about “Name, Image, and Likeness.” We believe most people involved in varsity college athletics know this to be the case. Schools are aggressively recruiting student-athletes with the clearly recognized purpose of actually paying them to play for the school’s competitive benefit, and not for the student-athletes’ value for their NIL in the marketplace, heretofore undefined. This situation must be remedied.
- **The Hypocrisy of Amateurism Regarding Prize Money for Elite College Tennis Players:** At the same time when it is reported that the pay of some football players is now three to four, or even six, million dollars per year, tennis players have been told that they may not accept prize money for well-earned victories at the U.S. Open Tennis Championships, a premiere Grand Slam event where the best in the world compete. This



is also the case at other professional tennis tournaments. The hypocrisy is maddening. We do not believe that Division I athletics can move to a “professional model” where top football stars are being paid millions of dollars per year to compete, while the enterprise tries to hang on to the last thread of “amateurism” in other sports such as tennis. This inequality must also be remedied.

The Future of All Sports Needs to Be Taken into Account: We respectfully submit that those responsible for determining and approving the final *House v NCAA* settlement must more thoroughly contemplate and properly account for the future for all sports and not simply football and basketball. History will not judge well those who may permanently damage a wide array of historically important and globally vital sports that have been an integral part of the varsity college athletic landscape for generations and which deserve to be protected and supported for generations to come.

If the *House* settlement does not properly account for the future of all sports, the potential for very detrimental impact goes beyond college athletics, possibly to all youth sports for millions of young people in America. There is the potential for a devastating impact on the U.S. Olympic and Paralympic movement; and, there is the potential for distressing economic impact on communities that support collegiate and youth Olympic sport competitions – especially those using an economic impact model of hosting youth and collegiate sporting events whereby the revenue from hotel/motel room nights and restaurant income supports their communities.

On behalf of our sport of varsity college tennis, and its coaches and student-athletes, we believe that the very real and yet to be fully explored or articulated unintended consequence for non-football and basketball sports must be considered now, and in a very serious fashion. It is easy to imagine how many college sports, currently flourishing on campuses across America, could quickly be in danger of facing scholarship and budget reductions, possibly relegated to club sports status, or disappearing entirely during massive changes to the college sports landscape as contemplated in and potentially resulting from the *House v. NCAA* settlement as currently constituted ([Cleveland State cuts](#)). Without further consideration of the ramifications on the entire college sports ecosystem, large portions of the enterprise could be irreparably damaged. Leaders who think like *futurists* can even imagine hundreds of colleges and universities simply shuttering their entire athletic departments ([Sonoma State athletic department cancelled](#)).

Amid the changes in college sports, we submit that decision-makers (including, but not limited to, the plaintiffs and defendants along with you, Judge Wilken, in the *House* case, as well as college and university and conference administrators) must not lose sight of the educational benefits of being a college athlete, whether students playing low in a roster up to prospective Olympians, and/or future professional all-stars and hall-of-famers.

We trust that all who love college athletics recognize that the vast majority of athletes who develop through the collegiate athletics pipeline never compete professionally in their sport. The NCAA’s hallmark marketing campaign rightfully highlights the reality that “all but two percent of collegiate athletes will turn pro in something other than their respective sport”. Leaders of other college sports association have joined the ITA in the past in asserting the following:



Should non-football/basketball programs become financial casualties of the massive financial requirements of the *House v NCAA* settlement, thousands of students, including students who might not otherwise have stepped foot on a university campus, will lose out on scholarships and other life-changing opportunities. College athletes enhance the core mission of higher education by exemplifying excellence in performance, time management, teamwork, leadership, and resilience. Their disciplined approach to balancing rigorous athletic and academic demands fosters a dynamic and collaborative learning environment. By bringing diverse perspectives and goal-oriented mindsets, athletes inspire their peers on campus, contribute to a culture of perseverance, and enrich classroom discussions. Ultimately, college athletes embody the holistic development that universities strive to cultivate, helping prepare all students for success in their professional and personal lives.

We can only *officially* speak for our sport and Association, but we are confident that all other sports on college campuses can share their stories of past glories and aspirational wishes for bright tomorrows.

This said, we all find ourselves at a moment that holds the potential to reshape the intersection of the higher education enterprise and varsity college athletics in a transformative way. Great leaders try to not only ponder the intended consequences of their possible actions but also the potential unintended risks. We believe that in this current time of disruption and growing passion, the concerns and voices of hundreds of thousands of current and future student-athletes and coaches must be shared and heard. They must be considered as major decisions are being made about the future of college sports – decisions that will impact *all* sports and not simply football and basketball. We want the decision-makers to consider the 20,000 current college tennis players as well as the countless future college tennis players. Similarly, coaches who mentor these students and help educate these students and develop their character must be considered. We trust that the leaders of all other college sports associations wish for the same consideration for their athletes and coaches, sports, programs, and fans.

The Proposed House Settlement may be Predicated upon an Unsustainable Economic Model: The proposed *House* settlement is based on huge amounts of new money that will be required to fund athletic departments. We believe that a settlement predicated on such large sums should not be at the expense of currently existing and thriving varsity college sports. If new monies cannot be found on a long-term ongoing basis, or such monies subsequently dry up as the trend of declining enrollment continues, when the next recession and/or stock market crash occurs, or massive donor fatigue sets in, it is not hard to imagine that athletic departments in large number could or will resort to wholesale cuts to sports in order to balance their respective budgets in order to remain in compliance with the terms of the *House* settlement. This would be a travesty.

To be clear, there are knowledgeable leaders who suggest that possibly there are only ten to thirty (possibly 40) programs that can actually fully fund a future based on *House*.



THE FINAL VERSION OF THE *HOUSE* SETTLEMENT NEEDS TO INCLUDE A COMMITMENT TO BROAD-BASED SPORTS

There Needs to be a Commitment to Maintain Broad-based Sports Sponsorships and Participation: We believe that the NCAA and college administrators recognize the role and importance of the broad-based sports participation model for varsity college athletics on college campuses. As the final phases of the *House* settlement discussions have been unfolding, we have been pleased that leading college sports administrators have been, to date, publicly stating that they do not intend to make cuts to sports. Our hope and request is that they maintain the commitment to college tennis and all other non-football/non-basketball sports in their athletic departments and do so at a minimum level of their current financial funding. And, in doing so, we hope and trust that they will thereby maintain a commitment to the long-standing rationales for broad-based sports on college campuses.

If the *House* settlement as currently proposed moves forward, then we implore the parties to the case, with your approval, to require that the final version of the settlement include a provision that colleges and universities who “opt in” will not cut varsity tennis (or other sports). This would simply require the colleges and universities to agree in writing to what they are saying in public at this time. Short of the parties in the *House* case working with you to include such a stipulation in the settlement (which we hope they and you will), it would appear that we must trust the college athletic leaders and take them at their word going forward.

This said, the ITA, stands ready, willing, and able to work with these leaders, and all interested parties, to find and implement new and creative sustainable models for sports like tennis to become more financially sustainable within athletic departments in the current environment while moving forward. We propose one such idea below, of several possible, should this seem necessary and advisable.

CONSIDERING NEW AND CREATIVE MODELS FOR SPORTS LIKE TENNIS

We recognize that at this moment the world of varsity college sports is truly a complex puzzle, having moved from a two-dimensional jigsaw puzzle to a veritable Rubik's Cube. Whether the college sports enterprise thrives, or collapses on its own weight, remains to be seen. We recognize and appreciate many of the issues surrounding the *House* case and other cases. We believe that the extended conversations that we have proposed transpire before a final settlement is reached should also include discussions regarding alternate models for sports other than football and basketball.

One possible solution, among several, is a two-path model for sports such as tennis and other Olympic sports. Under this two-pronged approach, top programs that are developing the next generation of elite athletes would utilize a “professional” sports model (with clear pathways that are now available to elite athletes such as tennis players), and the remaining programs within the sport would consider what a “federated” model might look like, as opposed to the divisional model that currently exists.

All of the work to date and the current level of partnership between college tennis, the ITA, and our other partners, offers the possibility of such an alternative solution. The idea of federating by sport – changing the playing field to allow the development of talent and values, cost



containment by reducing expenses like travel, considering different levels of appropriate athletic and academic scholarship and financial need assistance, and developing alternative revenue streams – may allow and facilitate the restructuring of the “Olympic Sports” in ways that not only preserve them but also allow them to be the new model outside of football and basketball. The ITA stands ready to work with others to develop a concept and the specific implementation strategies and tactics for the likes of such as a federated model or other such creative possible solutions. Moving forward, college athletics cannot simply reward and advance only two sports.

The ITA is in a strong position to continue the evolution of our sport and collegiate varsity tennis, including the possibility of offering such a two-path model. This could also be considered for a majority of student athletes and other sports on campuses at the same time that the professionalization of football and basketball is advanced.

Varsity intercollegiate athletics have historically held a very important place in the world of higher education as well as global society. They help individuals, teams, and communities live richer lives, while exploring the fullness of their potential. In short, varsity college sports develop championship human beings on and off the courts and fields of competition.

REMAINING FAITHFUL TO THE PURPOSES OF HIGHER EDUCATION

Intercollegiate athletics have historically held a very important place in American higher education. Together we must conceptualize how to best maintain their rightful place within the new and changing American university and college sports ecosystem. Historically, the role of sports in society has been, in part, to help human beings live richer lives, exploring the fullness of human potential. Former Yale President (and Commissioner of Major League Baseball) A. Bartlett Giammetti was fond of saying: “Athletics teaches lessons valuable to the individual by stretching the human spirit in ways that nothing else can.”

Varsity college sports, as a whole, are now being stretched in ways not previously imagined. Yes, the world is changing, and change is the only constant. That said, not all change is necessary or good. Amidst these critical times of important decisions, the resolution of the *House* settlement and related plans for the short-term and longer-term future of college sports must preserve the best that history has taught us, build upon those solid foundations that can continue to support the college sports and higher education enterprises, and represent and ensure the best interest of all sports.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jon Vegosen". The signature is fluid and cursive, with the first name "Jon" being more prominent.

Jon Vegosen
Chairman of the ITA Board

A handwritten signature in black ink, appearing to read "David Mullins". The signature is more stylized and cursive than the one to its left, with a long horizontal line extending from the end.

David Mullins
President and CEO of the ITA



Exhibit to the ITA letter

Why the ITA Should Have a Seat at the Table: In this exhibit to our letter, we provide some additional history and context that sheds light on why the ITA and tennis should have a meaningful seat at the table during these important final settlement negotiations, alongside other non-football and non-basketball sports. We also discuss why the ITA and other sports can make a meaningful contribution to the discussion about the future of varsity college athletics.

Decades of Informed Progress. In the early 2000's, those working on behalf of college tennis recognized the "nuclear arms" race that was already and continually escalating the costs and presence of football and basketball and which threatened the existence of many other college sports. (*New York Times* op-ed: [Opinion | Starve Football, Feed Athletics - The New York Times](#).)

As leaders in our sport, and in working with many other like-minded and committed colleagues, we were driven to control what we could within the larger world of sports, the arena of intercollegiate athletics (within the context of higher education), and the global tennis ecosystem. We contemplated the intended consequences of our proposed courses of action while working with many stakeholders to advance our sport, and bring college tennis to the point of strength that it is today.

The Importance of Tennis as a Sport of Lifetime and the role of the ITA and College Tennis in Helping Make Tennis Highly Relevant: There are several important factors that make tennis and the ITA important on college campuses and the ITA and college tennis an important part of the larger tennis eco-system.

Tennis, for example, has been medically shown to [add up to nine \(9\) years to a person's life](#) as a frequent player.

The [ITA](#) is responsible for the [rules and rankings of college tennis](#), sponsors 14 national championships, approximately 300 sanctioned tournaments, a Summer Series, supports one of the most robust awards programs in all of college athletics, two Halls of Fame, as well as an international Alumni Network, an active Student-Athlete Council, and a wonderful coach education program.. For example, the ITA's signature [Kickoff Weekend](#) just concluded with sixteen premiere DI men's and women's teams now ready to compete in the upcoming ITA National DI [Men's](#) and [Women's](#) Team Indoor Championships.

Colleges and universities, their athletic departments, and their supporters, have been generous in support of varsity tennis. In addition to offering outstanding tennis facilities and tennis infrastructure, college tennis programs have done well to embed themselves on their campuses while serving as leaders in community engagement – especially helping under-resourced youth.

College tennis alums include important [American government and political figures, business and commerce leaders, teachers, trailblazers in the world of art, medicine, research, and journalism, along with important philanthropists](#), many of whom who have made [significant contributions to society, including through humanitarian efforts](#).



College tennis, our beloved game that combines the beauty of ballet and the intellectual rigors of chess with the physical prowess of gladiators and prize fighters, is keeping and making tennis *relevant* in America and globally. It is and will continue to be both an aspirational goal for junior players and their families in the United States and around the world, as well as create a bridge and [pathway to professional tennis for elite college athletes](#).

We suggest that as additional competitive frameworks for college sports are considered, new models should do so still appreciating the great many advantages that have been provided to student-athletes over the years. We believe that the significant opportunity of an education through sports has been a well-earned experience for many, including for those not aspiring to become professional tennis players. Those knowledgeable about college sports will agree, including athletes, that most students, across many sports were and are happy and treated well. Student-athletes have received substantial scholarships, some valued at \$50,000 or \$60,000 or \$70,000 per year toward their esteemed higher education, coupled with food and housing, facilities usage, great coaching, nutritionists, massage therapists, mental health providers and mental/peak performance psychologists. All while playing a sport that they love.

Has the system to date been perfect? No. But, we do not want to reduce or lose the opportunities for athletes and prospective student-athletes in sports like tennis.